

REMARKS

Reconsideration is requested.

Claim 6 has been canceled above, without prejudice.

Claim 1 has been revised, without prejudice, to include details of claim 6. No new matter has been added.

Claims 1-5 and 7-40 are pending. Claims 18-29, 33-37, 39 and 40 have been withdrawn from consideration. Rejoinder and allowance of any claim defining a method of making and/or using a product defined by an allowable claim, at an appropriate time, are requested. The Examiner's indication that claims 6-9 and 12-15 contain allowable subject matter is acknowledged, with appreciation. See page 3 of the Office Action dated February 12, 2009.

Claims 16, 17 and 30-32 have been revised, without prejudice, to obviate the Section 101 rejection of same. Reconsideration and withdrawal of the Section 101 rejection are requested.

To the extent not obviated by the above amendments, the Section 102 rejection of claims 1-5, 10, 11, 16-18, 30-32 and 38 over Freeman (JACS (1956) 78, 4077-81) is traversed. Reconsideration and withdrawal of the rejection are requested in view of the above, which has incorporated aspects of the acknowledged patentable claim 6 in to claim 1. Withdrawal of the Section 102 rejection is requested.

The Examiner is requested to return a completely-initialed copy of the PTO-1449 Form bearing the OIPE date-stamped of August 21, 2006. Specifically, sheet 1 of 2 of the PTO-1449 Form returned with the Office Action of February 12, 2009, does not

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include the Examiner's initials next to the International Search Report of PCT/GB2005/000605 and Journal of Medicinal Chemistry, 35(11), 2074-84, JMCMAR, ISSN:0022-2623, 1992. The entirety of the PTO-1449 Form has been initialed by the Examiner on February 9, 2009, and the other references indicated as having been specifically considered by initialing next to each of the references. The above noted references however do not include in the left-hand column the Examiner's initials. A completely-initialed copy of sheet 1 of 2 of the PTO-1449 Form, pursuant to MPEP § 609, is requested.

A revised sheet 2 of 2 of the PTO-1449 returned with the Office Action of February 12, 2009, which lists the same references filed August 21, 2006, was filed February 24, 2009. The PTO 1449 Form filed February 24, 2009 is submitted in place of the PTO-1449 Form filed August 21, 2006, as the PTO 1449 Form filed February 24, 2009 includes the dates of the lined-through references. The cited references are believed to be contained in the PTO IFW. Further analysis and/or comment on the references is not believed to be required for their consideration however the Examiner is requested to contact the undersigned if further distinguishing comments will be helpful in advancing prosecution and consideration of the references.

Return of an initialed copy of the attached PTO 1449 Form, pursuant to MPEP § 609, is requested. While the applicants believe that a fee should not be required for consideration of the references and return of an initialed copy of the PTO 1449 Form, the Patent Office is authorized to charge the undersigned's Deposit Account No. 14-

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1140 for any required fee, as also previously noted in the Transmittal letters of December 1, 2008 and August 21, 2006.

The Examiner is requested to confirm in a further communication that the figures filed August 21, 2006, are acceptable or advise the undersigned of any specific objection or rejection of the same.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned, preferably by telephone, in the event anything further is required.

Respectfully submitted,

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